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Blue Ribbon Commission on Children in Foster Care Issues Sweeping Recommendations for Reform

***Proposals aim to “Change the Way Juvenile Dependency Courts
do Business” and Promote Collaboration among
Courts and Agencies that Serve Children and Families***

San Francisco—Capping a two-year inquiry into the courts’ role in foster care, the California Blue Ribbon Commission on Children in Foster Care has issued a sweeping set of recommendations to reform the state’s juvenile dependency court system and improve outcomes for children in foster care and their families.

California Chief Justice Ronald M. George appointed the statewide commission, chaired by Supreme Court Associate Justice Carlos R. Moreno, in March 2006. Given two years to develop its recommendations, the commission was tasked with identifying ways in which courts and their agency partners can improve outcomes related to safety, permanency, well-being and fairness for foster children and their families. The commission is the first of its kind to focus on the role of the courts and its responsibility for foster children in California.

The commission’s recommendations are being presented today to the Judicial Council for approval and action. The Judicial Council is the policymaking body for the state’s judiciary, the largest court system in the nation.

“Ours has been an unprecedented effort to focus attention on the central role that the courts play in foster care,” said Justice Moreno. “We have an absolute obligation to do right by the children and families who come into our court rooms. With these recommendations, we propose changing the way that juvenile dependency courts do business, and we identify the ways in which courts and agencies can more effectively collaborate to meet the needs of foster children and their families.”

The commission’s recommendations focus on both preventing the need for foster care as well as improving the system itself. More than half of

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California's nearly 80,000 foster children remain in care for two or more years, 17 percent of them for more than three years. Moreno characterized these children as "caught in a foster care limbo," noting research that shows that those who grow up in foster care face an increased risk of unemployment, homelessness, mental illness and involvement with the criminal justice system.

The commission issued four overarching recommendations, including 79 specific recommendations for change. Overarching recommendations address 1) providing preventive services to families when children can be safely kept with their families and permanent homes for children who cannot; 2) court reforms; 3) collaboration among courts and partner agencies that work with children and families; and 4) the need for adequate, flexible and stable funding.

Highlights of the commission's specific recommendations include:

- **Child abuse prevention and services funding** -- The Judicial Council should work with state and federal leaders to allow greater flexibility in the use of federal funds for prevention and to eliminate barriers to coordinating funds for prevention and services.
- **Prioritizing foster care** -- All agencies and the courts should prioritize children in foster care and their families when providing services and when allocating and administering public and private resources.
- **Caseloads** -- The Judicial Council should advocate reasonable judicial, attorney, and social worker caseloads.
- **Data and information** -- The Judicial Council should support the courts and all partners in the child welfare system in eliminating barriers to the exchange of essential information and data about the children and families they serve.
- **Disproportionality** -- The courts and child welfare agencies should reduce the disproportionate number of African-American and American Indian children who are in the child welfare system.
- **Kinship** -- Child welfare agencies should engage family members earlier and the Judicial Council should work with state and federal leaders to develop greater flexibility in approving relative placements when necessary.
- **Indian child welfare** -- The courts, child welfare and other agencies should collaborate with Indian tribes and tribal courts to ensure that Indian children and families get the services for which they are eligible.
- **Extended support for transitioning youth** -- The Judicial Council should urge Congress and the state Legislature to extend the age for children to receive foster care assistance from 18 to 21.
- **A meaningful voice in court** -- The courts should ensure that all participants in dependency proceedings, including children and parents, have an opportunity to be present at and heard in court. CASA programs should be expanded to all counties.
- **Local commissions** -- The courts and child welfare agencies should jointly convene multidisciplinary commissions at the county level to identify and resolve local concerns and to help implement commission recommendations and related reforms.

The Judicial Council is expected to take action on the commission's recommendations at its public business meeting being held today in San Francisco. The commission is asking that the Council task it with developing an implementation plan to present at the Judicial Council's December meeting that will continue to move the recommendations forward.

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Diverse Commission Identified Serious Shortcomings

The commission's 42 members are a multidisciplinary group of leaders and include court officials, legislators, child welfare experts and foster youth. Over the span of two years, the commission held quarterly meetings, public hearings, summits and focus groups. The group identified a court and child welfare system that is chronically overstressed and under-resourced.

Chief among the commission's findings were staggering caseloads for judges, attorneys and social workers; hearings that last less than half of the recommended times with too many continuances; lack of data and information that is available to judges to make informed decisions about children and families; and many other barriers that prevent foster children and their families from having an opportunity to participate meaningfully in court proceedings that directly affect their lives, including where and with whom children will live.

Often the "unseen player" in foster care, the courts have been the focus of increased attention in recent years. The national Pew Commission on Children in Foster Care in its 2004 findings spoke out on a "court system that lacks sufficient tools, information and accountability necessary to move children swiftly out of foster care and into their homes" and issued a series of recommendations for reforms, including the need for improved court performance and accountability. One of its other recommendations was the creation of state commissions to continue the focus on the courts.

"California is a leader," said Carol Emig, who served as Executive Director of the Pew Commission. "While other states have set up similar commissions or task forces, none has been as broad-based in composition, comprehensive in scope or as high profile. Moreover, none has the potential to influence as many children, given the size of California's child population."

Information on the commission and its full set of recommendations can be found at:
www.courtinfo.ca.gov/blueribbon.

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